## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NORTH DAKOTA NORTHWESTERN DIVISION

King Contracting Co., Inc., a Nebraska	)		
Corporation,	)		
Plaintiff,	)	ORDER	
,	)		
vs.	)		
	)		
American Infrastructure, Inc., a	)		
Colorado Corporation, and Employers	)		
Mutual Casualty Company, an Iowa	)	Case No. 4:12-cv-049	
Corporation,	)		
	)		
Defendants.	)		

On March 8, 2013, the parties filed a Stipulation to Amend Scheduling/Discovery Plan. The court **ADOPTS** the parties stipulation (Docket No. 13). The Scheduling/Discovery Plan shall be amended as follows: agree to the following Amended Scheduling Discovery Plan:

- 1. The parties have already made initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure.
- 2. The issues on which the parties need to conduct discovery are liability and damages as alleged in the subject Complaint and Counterclaim.
- 3. The parties will have until June 1, 2013 to complete fact discovery and to file discovery motions.
- 4. The parties shall provide the names of expert witnesses and complete reports under Rule 26(a)(2) as follows: Plaintiff by July 1, 2013; Defendants by August 1, 2013.
- 5. The parties shall have until September 1, 2013 to take depositions of expert witnesses.

6. The parties shall have until November 1, 2012 to move to join additional parties.

7. The parties shall have until February 1, 2013 to move to amend pleadings to add

claims or defenses, except claims for punitive damages for which the deadline shall

be March 1, 2013.

8. The parties shall have until December 1, 2012 to file other non-dispositive motions

(e.g., consolidation, bifurcation).

9. The parties shall have until December 1, 2012 to file threshold motions (e.g.,

jurisdiction, qualified immunity, statute of limitations). Discovery shall not be stayed

during the pendency of such motions.

10. The parties shall have until June 1, 2013 to file other dispositive motions (summary

judgment as to all or part of the case).

11. Each party shall serve no more than 25 interrogatories, including subparts. No broad

contention interrogatories (i.e., "List all facts supporting your claim that . . .") shall

be used.

12. Each side shall take no more than 10 discovery depositions.

13. Depositions taken for presentation at trial shall be completed 14 days before trial.

IT IS SO ORDERED.

Dated this 29th day March, 2013.

/s/ Charles S. Miller, Jr.

Charles S. Miller, Jr., Magistrate Judge

**United States District Court** 

2